

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL JOHN PALAZZOLA, D-28

Defendant.

Case No. 2:11-cr-20129-28

The Hon. Robert H. Cleland

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**REQUESTS AND NOTICES IN COMPLIANCE WITH
STANDING ORDER FOR DISCOVERY AND INSPECTION**

In compliance with the Standing Order for Discovery and Inspection entered in this case, Defendant Michael Palazzola, by his attorney, Gerald J. Gleeson, hereby provides the government with the following requests and notices:

1. It is hereby requested that the United States Government provide the following information, and where applicable, to provide copies or an opportunity to make copies of:

- A. Any information within the meaning of the "Standing Order", paragraph 1(a) and/or Rule 16(a)(1) of the Federal Rules of Criminal Procedure;
- B. Any relevant oral, written or recorded statement made by the Defendant (before or after the arrest) in response to questioning or interrogation by someone known to Defendant as a Government agent, if the Government intends to use this statement at trial, if this statement is within the Government's possession, custody or control, and if the attorney for the Government knows – or through due

diligence could know – that the statement exists. This includes any recorded testimony of the Defendant before the grand jury relating to the charged offense;

- C. Any document which will be used to refresh the memory of a witness within the meaning of the “Standing Order”, paragraph 8 and/or Rule 612 Federal Rules of Evidence;
- D. A copy of Defendant’s prior criminal record that is within the Government’s possession, custody, or control if the attorney for the Government knows – or through due diligence could know – that the record exists;
- E. Permission to inspect and copy or photograph books, papers, documents, data. Photographs, tangible objects, buildings or places, or copies or portions of any of these items if the items are within the Government’s possession, custody, or control and the item is material to preparing the defense; the Government intends to use the item in its case in chief at trial; or the item was obtained from or belongs to the Defendant. This includes copies of all search warrants, search warrant applications, return to the search warrants, as well as copies of all Title III wiretap interception orders and applications, and the fruits therefrom;
- F. Permission to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if the item is within the Government’s possession, custody, or control; the attorney for the Government knows – or through due diligence could know – that the item exists; and the item is material to preparing the defense; the Government intends to use the item in its case in chief at trial;
- G. A written summary of any testimony that the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence during its case in chief at trial. If the Government requests discovery under subdivision (b)(1)(c)(ii) and the Defendant complies, the Government must, at the Defendant’s request, give to Defendant a written summary of testimony the Government intends to use under Rules 702, 703 or 705 of the Federal Rules of Evidence as evidence at trial on the issue of the Defendant’s mental condition. The summary provided under the subparagraph must describe the witness’s opinions, the basis and reasons for those opinions, and the witness’s qualifications;
- H. Any exculpatory evidence within the meaning of the “Standing Order”, paragraph 1(b) and/or *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 427 U.S. 97 (1976);
- I. Any evidence which the Government will seek to introduce pursuant to Fed. R. Evid. 404(b);
- J. Any statement by persons who have possible knowledge of information relative to this case which are not protected from disclosure by 18 U.S.C. § 3500;

K. Any statement of witnesses within the meaning of 18 U.S.C. § 3500(e).

2. Notice is hereby given pursuant to the “Standing Order”, paragraph 5(b), that the foundation for any and all exhibits will be contested, and paragraph 6(b), that the chain of their custody will be contested.

3. Notice is hereby given pursuant to the “Standing Order”, paragraph 7, that any scientific analysis or summary testimony by experts will be contested.

4. All requests for information, materials, or evidence contained herein are continuing ones and the United States Government is expected to immediately provide any additional information, materials, or evidence as required by the “Standing Order”, paragraph 3 and/or Rule 16(c) of the Federal Rules of Criminal Procedure.

5. Notices contained herein will remain in effect unless expressly withdrawn.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

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Dated: August 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2012, I electronically filed the foregoing document, with the Clerk of the court using the ECF system which sent notification of such filing to the following:

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and hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

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